

Applicant(s): Algirdas A. Underys  
Serial No.: \_\_\_\_\_ Filed: \_\_\_\_\_  
For: "HEAT TREATMENT METHOD & APPARATUS"

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR §1.9(f) and §1.27(c) - SMALL BUSINESS CONCERN  
(page one of two)

I HEREBY DECLARE THAT I AM:

( ) the owner of the small business concern identified below;  
(XX) an official of the small business concern empowered to act on  
behalf of the concern identified below;

NAME OF CONCERN: A. Finkl & Sons Co.

ADDRESS OF CONCERN: 2011 North Southport Avenue  
Chicago, IL 60614

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR §121.3-18, and reproduced in 37 CFR §19(d), for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year; and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled \_\_\_\_\_  
by inventor(s) Algirdas A. Underys  
described in: ~~Algirdas A. Underys~~

(X) the specification filed herewith;  
( ) application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
( ) Patent No. \_\_\_\_\_, issued \_\_\_\_\_

PAGE 1 OF 2 OF UTILITY PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

I hereby declare that:

My residence, post office address, and citizenship are as stated next to my name in PART A on page 2 hereof.

I believe that I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "HEAT TREATMENT METHOD & APPARATUS"

the specification of which ( ☒ ) is attached hereto ( ) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

☒ I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

☒ I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed in PART B on page 2 hereof and have also identified in PART B on page 2 hereof any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code, Section 120 of United States application(s) listed in PART C on page 2 hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

☒ I hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

Associate Power of attorney or Authorization of Agent attached

YES (XX)

NO ( )

See Page 2 attached, signed, and made a part hereof.

009113-121697  
269121-ET1660

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR §1.9(f) and §1.27(c) - SMALL BUSINESS CONCERN**  
 (page two of two)

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below<sup>1</sup> and no rights to the invention are held by any person who could not be classified as an independent inventor under 37 CFR§1.9(c) if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 CFR§1.9(d) or a non-profit organization under 37 CFR§1.9(e).

NAME: n/a

ADDRESS:  
 ( ) Individual ( ) Small Business Concern ( ) Non-profit Corporation

NAME: n/a

ADDRESS:  
 ( ) Individual ( ) Small Business Concern ( ) Non-profit Corporation

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 CFR§1.28(b).

I hereby acknowledge that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Stephen A. Witek Stephen A. Witek

TITLE OF PERSON IF OTHER THAN OWNER: V.P. OPERATIONS

ADDRESS OF PERSON SIGNING: 2011 North Southport Avenue  
Chicago, IL 60614

SIGNATURE: Stephen A. Witek DATE: 12-12-97

<sup>1</sup>NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. 37 CFR§1.27.

PAGE 2 OF 2 OF UTILITY PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

PART A: Inventor Information and Signature

Full name of sole or first inventor: ALGIRDAS A. UNDERYS  
Inventor's signature: Algirdas A. Underys Date: 12/12/97  
Citizenship: USA Residence: 1044 E. JULES  
ARLINGTON HEIGHTS, IL 60004  
Post Office Address: Same :1044 E. Jules, Arlington Heights, IL 60004  
U.S.A.

PART B: Prior Foreign Application(s)

0000113-121197

_____ (Serial No.)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Priority Claimed Yes()No()
_____ (Serial No.)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Priority Claimed Yes()No()
_____ (Serial No.)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Priority Claimed Yes()No()

PART C: Claim For Benefit of Filing Date of Earlier U.S. Application

_____ (Serial No.)	_____ (Filing Date)	_____ (Status: Patented, Pending, Abandoned)
_____ (Serial No.)	_____ (Filing Date)	_____ (Status: Patented, Pending, Abandoned)

POWER OF ATTORNEY

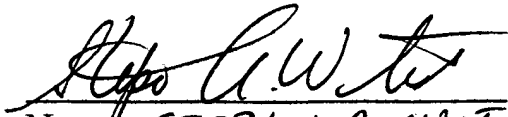
Applicant hereby appoints James G. Staples, Reg. No. 19,013, a member of the Bar of the State of Illinois, whose mailing address is A. Finkl & Sons Co., 2011 North Southport Avenue, Chicago, Illinois 60614, to prosecute this patent application, to transact all business in the Patent and Trademark Office in connection with it, and to appoint associate attorneys for the foregoing purposes.

Please send correspondence and direct telephone calls to:

James G. Staples, Esq.  
A. Finkl & Sons Co.  
2011 North Southport Avenue  
Chicago, IL 60614  
Telephone: (773) 975-2235  
Tele Fax: (773) 975-2626

Dated this 15<sup>th</sup> Day of December, 1997.

A. Finkl & Sons Co.

  
Name: STEPHEN A. WITEK  
Title: V.P. OPERATIONS